



# **Office of State and Federal Policy Legislative Brief**

## **Board of Health Policy Committee**

**March 7, 2017**

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# Community and Family Health



Oklahoma  
State  
Department  
of Health

## 4 Bills On Report

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**HB1013 Paraphrase:** HB1013, by Rep. Josh Cockroft, R-Tecumseh and Sen. A J Griffin,

 R-Guthrie, removes the requirement for an advanced practice registered nurse to work under a supervising physician in order to have prescribing authority. It removes subsequent references to physician supervision of advanced practice registered nurses. The bill expands the definition of the term "advanced practice registered nurse" to include an individual who has been educationally prepared to assume responsibility and accountability for health promotion and/or maintenance as well as the assessment, diagnosis and management of patient problems which may include the use and prescription of pharmacological and non-pharmacological interventions and who has clinical experience of sufficient depth and breadth to reflect the license. The bill lists the scope of practice for advanced practice registered nurses and provides an advanced practice registered nurse may serve as a primary care provider of record. The bill modifies the duties of a certified nurse practitioner, clinical nurse specialist and nurse-midwife. It removes the definitions of the terms "supervising physician" and "supervision of an advanced practice registered nurse with prescriptive authority." The bill permits the Board of Nursing to grant prescribing and ordering authority through the Advanced Practice Registered Nurse license to Certified Nurse Practitioners, Certified Nurse-Midwives and Clinical Nurse Specialists meeting requirements identified in the Board's rules. It permits the board to limit the ability of Certified Nurse Practitioners, Certified Nurse-Midwives and Clinical Nurse Specialists to prescribe and order. It authorizes all licensed Certified Nurse Practitioners, Certified Nurse-Midwives and Clinical Nurse Specialists who are granted prescribing and ordering authority to diagnose, prescribe and institute therapy or referrals of patients to healthcare agencies, healthcare providers and community resources. It also authorizes them to prescribe, procure, administer and dispense over the counter legend and controlled substances. It allow them to plan and initiate a therapeutic regimen that includes ordering and prescribing medical devices and equipment, nutrition, diagnostic and supportive services, including but not limited to speech therapy,

home health care, hospice and physical and occupational therapy. The bill repeals statutory language establishing the Formulary Advisory Council. (Amended by House)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Cockroft, Josh (H); Griffin, A J (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:**

03/14/2017

**Committee(1): S Health & Human Services (S)**

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**HB1996 Paraphrase:** HB1996, by Rep. John Jordan, R-Yukon and Sen. Chris Kidd, R-

 Addington, recreates the Oklahoma Partnership for School Readiness Board until July 1, 2021. (Amended by Senate)

**Effective Date:** / / **Emergency:** No

**Principal Authors:** Jordan, John (H); Kidd, Chris (S)

**Status:** S General Order **Status Date:** 03/27/2017

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**SB0231 Paraphrase:** SB0231, by Sen. Nathan Dahm, R-Broken Arrow and Rep. Bobby

 Cleveland, R-Slaughterville, repeals language statutory language related to the School Health Coordinators Pilot Program.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Dahm, Nathan (S); Cleveland, Bobby (H)

**Status:** H General Order **Status Date:** 04/05/2017

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**SB0595 Paraphrase:** SB0595, by Sen. Darcy Jech, R-Kingfisher and Rep. Kyle Hilbert, R-

 Depew, creates the Farmers Market Liability Limitation Act and defines related terms. The bill provides that any participant assumes the inherent risk of attending, buying or selling goods at a farmers market registered with the Oklahoma Department of Agriculture, Food, and Forestry. It allows the farmers market operator to plead an affirmative defense of assumption of risk by the participant if a participant brings an action for damages arising from the operation of a registered farmers market. The bill requires any limitation on legal liability afforded to a registered farmers market operator be in addition to any other limitation of legal liability otherwise provided by law. It provides instances for limited liability.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Jech, Darcy (S); Hilbert, Kyle (H)

**Status:** H General Order **Status Date:** 04/04/2017

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# General Counsel



Oklahoma  
State  
Department  
of Health

8 Bills On Report

**HB1549 Paraphrase:** HB1549, by Rep. George Faught, R-Muskogee and Sen. Nathan Dahm, R-Broken Arrow, creates the Prenatal Nondiscrimination Act of 2017. The bill defines terms. It prohibits any person from intentionally performing an abortion with knowledge that the pregnant woman is seeking the abortion solely because the unborn child has been diagnosed with Down syndrome, a genetic abnormality or the potential for either. It prescribes a violation and accompanying fees or punishments for physicians or other persons found in violation of the provisions therein. It allows minors to commence civil action for any knowing or reckless violation of said provisions. It provides for damages in such cases. It requires that the anonymity of any female upon an abortion is performed or attempted be preserved until consent is provided. It exempts any woman upon whom an abortion in violation is performed or attempted. It affords such women all rights, protections and notifications afforded to crime victims under the Oklahoma Victim's Rights Act. It provides for construction and severability. (Amended by House, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Faught, George (H); Dahm, Nathan (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:**

03/24/2017

**Committee(1): S Health & Human Services (S)**

**HB1552 Paraphrase:** HB1552, by Rep. George Faught, R-Muskogee and Sen. David Holt, R-Oklahoma City, requires approval by joint resolution of any proposed rule which modifies the scope of practice of any occupation contained within Title 5, provided the resolution becomes law in accordance with Section 11 of Article VI of the Oklahoma Constitution. It provides the rule will be deemed disapproved if the Legislature fails to approve the rule on or before the last day of the legislative session. It exempts any proposed rule that modifies the scope of practice from the other procedures governing legislative approval of administrative rules.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Faught, George (H); Holt, David (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:**

03/14/2017

**Committee(1): S General Government (S)**

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**HB1553 Paraphrase:** HB1553, by Rep. George Faught, R-Muskogee and Sen. Anthony

 Sykes, R-Moore, requires approval by joint resolution of any proposed rule that increases fees, provided the resolution becomes law in accordance with Section 11 of Article VI of the Oklahoma Constitution. It provides the rule will be deemed disapproved if the Legislature fails to approve the rule on or before the last day of the legislative session. It exempts any proposed rule that modifies the scope of practice from the other procedures governing legislative approval of administrative rules.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Faught, George (H); Sykes, Anthony (S)

**Status:** S General Order **Status Date:** 04/03/2017

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**HB1894 Paraphrase:** HB1894, by Rep. Kevin Calvey, R-Oklahoma City and Sen. Anthony

 Sykes, R-Moore, modifies the definition of "person legally authorized to make health care decisions" within the Nondiscrimination in Treatment Act. The bill authorizes those reasonably available and willing to make health care decisions for an adult patient or patient under 18 years of age who has consented to have services provided by health professionals but is otherwise persistently unconscious, incompetent or otherwise mentally or physically incapable of communicating under the same standard as that applicable to making life-sustaining treatment decisions. It also establishes procedures for permitting health care provider or class member to petition a court for jurisdiction over a guardianship proceeding concerning the patient. The bill prohibits an individual who has been found to have committee abuse, verbal abuse or exploitation from making case decisions for an incapacitated person. (Amended by House, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Calvey, Kevin (H); Sykes, Anthony (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:**

03/24/2017

**Committee(1): S Judiciary (S)**

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**HB1944 Paraphrase:** HB1944, by Rep. John Jordan, R-Yukon and Sen. Nathan Dahm, R-

 **Broken Arrow**, modifies definitions within the Administrative Procedures Act. It gives the Governor the authority to approve or disapprove agency rules. It allows the him or her 45 calendar days from receipt of a rule to approve or disapprove the rule and establishes a notification process to state agencies of the approval or disapproval of rules. It adds that rules not approved by the Governor will not become effective unless otherwise approved by the Legislature by joint resolution. It also establishes a process by which the Legislature may approve an agency rule by joint resolution. (Amended by House, Stricken Title)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Jordan, John (H); Dahm, Nathan (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:** 03/24/2017

**Committee(1): S General Government (S)**

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**SB0030 Paraphrase:** SB0030, by Sen. A J Griffin, R-Guthrie and Rep. Tammy West, R-Bethany, requires any facility in which abortions, other than abortions necessary to prevent the death of the mother, are performed, induced, prescribed for, or where the means for the procedure are provided to post specified signage. It provides for the requirements of said signage's formatting and placement. It requires the State Health Department to only utilize funds specifically set aside for the provisions therein. It requires the Department to use its official, online social media platforms to promote the unique URL specified therein. It requires the Department to promulgate necessary rules. (Amended by Senate, Emergency Measure, Committee Substitute)

**Effective Date:** 07/01/2017 **Emergency:** Yes

**Principal Authors:** Griffin, A J (S); West, Tammy (H)

**Status:** Second Reading - Referred to House Committee **Status Date:** 03/27/2017

**Committee(1): H Public Health (H)**

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**SB0191 Paraphrase:** SB0191, by Sen. Roger Thompson, R-Okemah and Rep. David Brumbaugh, R-Broken Arrow, requires a delay in providing access to records under the Open Records Act be limited solely to the time required for preparing the requested documents and the avoidance of excessive disruptions of the public body's essential functions. It provides that a current request for records cannot be unreasonably delayed until after completion of a prior records request that will take substantially longer than the current request.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Thompson, Roger (S); Brumbaugh, David (H)

**Status:** H General Order **Status Date:** 04/05/2017

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**SB0697 Paraphrase:** SB0697, by Sen. Anthony Sykes, R-Moore and Rep. George Faught,

 R-Muskogee, all rulemaking authority delegated by the Legislature to executive branch agencies be used only to implement law or policy as set by the Legislature. It requires all administrative rules, including those already in existence, to include a specific reference to the statutory provision that delegates the authority for promulgation of such rule within three years.

**Effective Date:** // **Emergency:** No

**Principal Authors:** Sykes, Anthony (S); Faught, George (H)

**Status:** Second Reading - Referred to House Committee **Status Date:**

03/27/2017

**Committee(1): H Administrative Rules (H)**

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## Operations



13 Bills On Report

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**HB1444 Paraphrase:** HB1444, by Rep. Dustin Roberts, R-Durant and Sen. Ron Sharp, R-

 Shawnee, designates Good Friday and the Friday before Easter as state holidays.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Roberts, Dustin (H); Sharp, Ron (S)

**Status:** S General Order **Status Date:** 04/05/2017

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**HB1495 Paraphrase:** HB1495, by Rep. Travis Dunlap, R-Bartlesville and Sen. Dan

 Newberry, R-Tulsa, creates the Death Certificate Accuracy Act. It requires a certifier completing cause of death on a certificate to indicate that a legal drug, overdose or suicide was the cause of death. It requires an individual to indicate if suicide was the manner of death. The bill deems an individual who knowingly omits to list a lethal agent or improperly states a manner of death to have engaged in unprofessional conduct.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Dunlap, Travis (H); Newberry, Dan (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:**

03/20/2017

**Committee(1): S Health & Human Services (S)**

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**HB1555 Paraphrase:** HB1555, by Rep. George Faught, R-Muskogee and Sen. Marty

 Quinn, R-Claremore, transfers the State Employee Assistance Program from the Office of Management and Enterprise Services to the Department of Mental Health and Substance Abuse Services. (Emergency Measure)

**Effective Date:** // **Emergency:** No

**Principal Authors:** Faught, George (H); Quinn, Marty (S)

**Status:** S General Order **Status Date:** 04/05/2017

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**HB1690 Paraphrase:** HB1690, by Rep. Casey Murdock, R-Felt and Sen. James Leewright,

 R-Bristow, requires the 20 top appropriated agencies to be audited in an independent comprehensive performance audit invested in by the Legislative Service Bureau. It requires the audit to fulfill certain mandates. It allows the Bureau to contract with an outside firm or the State Auditor and Inspector's Office. It requires the audit to be conducted when the agency head leaves the agency and requires the report to be given to certain members of the Legislature. (Amended by House, Stricken Title, Emergency Measure, Committee Substitute)

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Murdock, Casey (H); Leewright, James (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:**

03/28/2017

**Committee(1): S Appropriations (S)**

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**HB1868 Paraphrase:** HB1868, by Rep. Jason Dunnington, D-Oklahoma City and Sen.

 Roger Thompson, R-Okemah, requires any state employee earning less than \$30,000 annually to receive overtime pay, instead of compensatory time, for all hours worked over 40 hours a week beginning November 1, 2017. It requires any state employee earning less than \$35,000 annually to also receive overtime pay, instead of compensatory time, for all hours worked over 40 hours a week beginning January 1, 2018 and all employees earning \$40,000 annually will also receive overtime pay for all hours worked over 40 hours a week beginning January 1, 2019. (Amended by House, Stricken Title, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Dunnington, Jason (H); Thompson, Roger (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:**

03/28/2017

**Committee(1): S Appropriations (S)**

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**HB1887 Paraphrase:** HB1887, by Rep. Pat Ownbey, R-Ardmore and Sen. A J Griffin, R-

 Guthrie, decreases the length of time a minor has to live in a prospective adoptive home in order for medical and social history records to be disclosed.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Ownbey, Pat (H); Griffin, A J (S)

**Status:** Governor Action - Signed **Status Date:** 04/06/2017

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**HB1912 Paraphrase:** HB1912, by Rep. Roger Ford, R-Midwest City and Sen. Chris Kidd,

 R-Addington, modifies the provisions of receiving a disinterment permit. It requires the permit to be had before disinterment and reinternment of a dead body or fetus. It requires the application for a disinterment to include consent from the next of kin; other than the case of a medical legal in which the State Medical Examiner still retains his or her rights. It also accounts for a judge's order for said remains. It removes the rights of cemeteries to disapprove a disinterment. The bill excludes permits from being required for fetuses which will be disinterred and reinterred in the same cemetery. It requires forms to be obtained from the State Registrar of Vital Records. (Amended by House, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Ford, Roger (H); Kidd, Chris (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:**

03/24/2017

**Committee(1): S Health & Human Services (S)**

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**HB1942 Paraphrase:** HB1942, by Rep. John Jordan, R-Yukon and Sen. Nathan Dahm, R-

 Broken Arrow, requires all state agencies to include their financial reporting a description of the amount of federal funding received for any program the agency participates in, the requirements of the program and the amount of expenditures spent to meet the requirements of the program.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Jordan, John (H); Dahm, Nathan (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:**

03/24/2017

**Committee(1): S Appropriations (S)**

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**SB0258 Paraphrase:** SB0258, by Sen. Mark Allen, R-Spiro and Rep. Jason Murphey, R-

 Guthrie, requires an awarding public agency to provide written documentation to the President Pro Tempore of the Senate and the Speaker of the House of Representatives detailing the reason for its action under the Public Competitive Bidding Act of 1974. It requires the information be provided within 30 days of the contract's award. (Amended by Senate, Stricken Title)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Allen, Mark (S); Murphey, Jason (H)

**Status:** H General Order **Status Date:** 04/05/2017

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**SB0321 Paraphrase:** SB0321, by Sen. Marty Quinn, R-Claremore and Rep. Avery Frix, R-

 Muskogee, increases from 20 to 21 the number of days prior to the date set for opening bids that notice of all proposals to award public construction contracts must be published in a newspaper of general publication.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Quinn, Marty (S); Frix, Avery (H)

**Status:** S Enrolled **Status Date:** 04/06/2017

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**SB0435 Paraphrase:** SB0435, by Sen. John Sparks, D-Norman and Rep. Emily Virgin, D-

 Norman, requires appropriated state agencies to develop an annually update an 8-year plan of action providing detailed estimates of expenditures. It requires the plan to provide an estimate of changes in the number of clients, individuals or entities to be served over the 8-year time period. (Amended by Senate, Stricken Title)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Sparks, John (S); Virgin, Emily (H)

**Status:** Second Reading - Referred to House Committee **Status Date:**

03/28/2017

**Committee(1): H Appropriations & Budget (H)**

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**SB0549 Paraphrase:** SB0549, by Sen. David Holt, R-Oklahoma City and Rep. Tammy

 West, R-Bethany, prohibits an employment practice from refusing leave not exceeding 20 weeks to a state employee affected by childbirth or related medical condition or adoption or foster placement. It allows the employee to utilize accrued paid leave during this time. The bill recognizes the federal Family and Medical Leave Act. It allows a state employer to require reasonable notice for such leave. It provides for violation enforcement. (Amended by Senate, Stricken Title)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Holt, David (S); West, Tammy (H)

**Status:** Second Reading - Referred to House Committee **Status Date:**

03/27/2017

**Committee(1): H Business, Commerce, & Tourism (H)**

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**SB0799 Paraphrase:** SB0799, by Sen. Anthony Sykes, R-Moore and Rep. Chris Kannady,

 R-Oklahoma City, authorizes an agency, board, commission or other entity of state government to adopt policies permitting employees to use accrued leave for the purposes of physical fitness and wellness. The bill establishes eligibility criteria and limitations and directs the Director of the Office of Management and Enterprise Services to promulgate necessary rules. (Amended by Senate, Stricken Title)

**Effective Date:** // **Emergency:** No

**Principal Authors:** Sykes, Anthony (S); Kannady, Chris (H)

**Status:** H General Order **Status Date:** 04/06/2017

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## OSDH Office and State and Federal Policy



Oklahoma  
State  
Department  
of Health

12 Bills On Report

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**HB1703 Paraphrase:** HB1703, by Rep. Kevin Calvey, R-Oklahoma City and Sen. Greg

 Treat, R-Oklahoma City, creates the Choosing Childbirth Act which requires the State Department of Health to make grants to a grant-supervising entity for the purpose of reimbursing private organizations in Oklahoma for the expense of programs providing nonprofit, pro-life organizations. It requires the Department to monitor the organizations to ensure grant money is spent in certain ways. It requires the Act to be implemented when funds become available. (Amended by House, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Calvey, Kevin (H); Treat, Greg (S)

**Status:** S Double Assigned Bill **Status Date:** 03/27/2017

**Committee(1): S Health & Human Services (S)**

**Committee(2): S Appropriations (S)**

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**HB2237 Paraphrase:** HB2237, by Rep. Glen Mulready, R-Tulsa and Sen. Greg Treat, R-

 Oklahoma City, changes all references of the State and Education Employees Group Insurance Act to the Oklahoma Employees Insurance and Benefits Act. It modifies the duties of the Office of Management and Enterprise Services. It allows OMES to contract with one or more third-party vendors for purposes of offering alternative medical plans for consideration by participants. It stipulates the requirements of the plan. (Amended by House, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Mulready, Glen (H); Treat, Greg (S)

**Status:** Withdrawn from Committee **Status Date:** 04/04/2017

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**HB2316 Paraphrase:** HB2316, by Rep. Charles McCall, R-Atoka and Sen. Mike Schulz, R-

 Altus, permits the governor to appoint or replace any officers appointed by the governor. It removes the requirement that the removal be for in incompetency, neglect of duty, or malfeasance in office and to then fill the same as provided in cases of vacancy. It also grants the House Speaker and the Senate President Pro Tempore the power to appoint, remove or replace any of their respective appointments on any agency, board or commission, in addition to any appointments created by expiring terms or vacancies provided by law. It exempts appointments to any agency, board or commission if the appointment authority is provided for in the Constitution. It provides that appointments to the following boards and commissions may be removed and replaced without cause by their appointment authority: Oklahoma Employment Security Commission; Mental Health and Substance Abuse Services; Long-Range Capital Planning Commission; Oklahoma Health Care Authority Board; and the State Board of Career Technology Education. (Amended by House, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** McCall, Charles (H); Schulz, Mike (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:** 03/24/2017

**Committee(1): S Rules (S)**

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**SB0144 Paraphrase:** SB0144, by Sen. Jason Smalley, R-Stroud and Rep. Scott Martin, R-

 Norman, broadens eligibility for the Physician Manpower Training Commission, now accounting for physician assistants and nurse practitioners. It eliminates outdated language. It requires the Commission to promulgate rules. (Amended by Senate, Stricken Title)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Smalley, Jason (S); Martin, Scott (H)

**Status:** Second Reading - Referred to House Committee **Status Date:**

03/27/2017

**Committee(1): H Public Health (H)**

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**SB0506 Paraphrase:** SB0506, by Sen. Stephanie Bice, R-Oklahoma City and Rep. John

 Pfeiffer, R-Mulhall, creates the Healthy Food Financing Act. It specifies the intent of the Legislature that funding provided to eligible entities will expand and stimulate economic activity in low-income and underserved areas. It defines terms used therein. It creates the Health Food Financing Revolving Fund. It specifies the uses for the fund. It provides for deposits into the fund. It directs the Oklahoma Department of Agriculture, Food, and Forestry to administer program. It requires the State Board of Agriculture to promulgate rules. It requires an annual report by the Department to the Legislature on projects funded, the geographic distribution of the projects, the costs of the program, and the outcomes, including the number and type of jobs created and health initiatives associated with the program.

(Amended by Senate, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Bice, Stephanie (S); Pfeiffer, John (H)

**Status:** Second Reading - Referred to House Committee **Status Date:**

03/28/2017

**Committee(1): H Agriculture & Rural Development (H)**

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**SB0652 Paraphrase:** SB0652, by Sen. Anastasia Pittman, D-Oklahoma City and Rep.

 George Young, D-Oklahoma City, requires the Secretary of Health and Human Services to apply for grant funding from the U.S. Department of Health and Human Services for the purposes of identifying health disparities related to sickle cell disease; assessing the utilization of therapies and strategies to prevent complications related to sickle cell disease; and other purposes permitted by federal laws and regulations. It requires the State Board of Health to promulgate necessary rules. (Amended by Senate)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Pittman, Anastasia (S); Young, George (H)

**Status:** Subcommittee Do Pass **Status Date:** 04/04/2017

**Committee(1): H Appropriations & Budget, Health (H)**

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**SB0726 Paraphrase:** SB0726, by Sen. A J Griffin, R-Guthrie and Rep. Glen Mulready, R-

 Tulsa, SB0726 defines the terms "asynchronous store and forward technologies"

and "telemedicine." The bill allows a valid physician-patient relationship to be established by a physician with a patient located in Oklahoma via telemedicine when certain conditions are met. The bill requires telemedicine encounters comply with the Health Insurance Portability and Accountability Act of 1996 and ensure that all patient communications and records are secure and confidential. It provides telemedicine encounters cannot be used to establish a valid physician-patient relationship for the purpose of prescribing opiates, synthetic opiates, semisynthetic opiates, benzodiazepine or carisprodol, but may be used to prescribe opioid antagonists or partial antagonists. It provides a physician-patient relationship cannot be created solely based on the receipt of patient health information by a physician. It provides the duties and obligations created by a physician-patient relationship will not apply until the physician affirmatively undertakes to diagnose and treat the patient or participates in the diagnosis and treatment of the patient. (Amended by Senate, Stricken Title, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Griffin, A J (S); Mulready, Glen (H)

**Status:** H General Order **Status Date:** 04/05/2017

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**SB0730 Paraphrase:** SB0730, by Sen. Frank Simpson, R-Ardmore and Rep. Pat Ownbey,

 R-Ardmore, removes the requirement that Veterans Centers be non-smoking by Jan. 1, 2018.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Simpson, Frank (S); Ownbey, Pat (H)

**Status:** H General Order **Status Date:** 03/28/2017

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**SB0741 Paraphrase:** SB0741, by Sen. Adam Pugh, R-Edmond and Rep. Tammy West, R-

 Bethany, requires the State Department of Health, subject to the availability of funds, to develop and administer a program with the Oklahoma Health Care Authority that will encourage the timely and appropriate use of primary care services in lieu of emergency room utilization. It permits the Oklahoma Health Care Authority and the State Department of Health to collaborate with city-county and county health departments and other relevant stakeholders in the development of the program. It modifies the program components. (Amended by Senate, Stricken Title)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Pugh, Adam (S); West, Tammy (H)

**Status:** Second Reading - Referred to House Committee **Status Date:** 03/27/2017

## Committee(1): H Appropriations & Budget, Health (H)

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**SB0757 Paraphrase:** SB0757, by Sen. Darcy Jech, R-Kingfisher and Rep. Harold Wright,

 R-Weatherford, requires, beginning with the quarter ending September 30, 2018, and at least annually thereafter, each hospital, general medical surgical hospital, specialized hospital, critical access hospital and emergency hospital to provide to the State Department of Health, utilizing electronic health records software, information on the one hundred most common medical procedures and the fifty most common imaging procedures, by volume, along with the related CPT and HCPCS codes and to provide to the Department, utilizing electronic health records software, the average dollar amount the hospital or ambulatory surgical center bills to private insurers for each procedure and the average amount the hospital or ambulatory surgical center receives in reimbursement from private insurers for each procedure specified in statute. It requires hospitals and ambulatory surgical centers to provide the information in writing to an individual or the individual's legal guardian upon request. It requires hospitals and ambulatory surgical centers to inform patients of their right to obtain the information at the earliest reasonable and practicable time after being admitted to the hospital or ambulatory surgical center. It establishes that providing the information required will not be construed as an invoice, contract or any other contractual agreement between the facility providing the information and the individual receiving the information. It requires the State Board of Health to promulgate necessary rules. (Amended by Senate)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Jech, Darcy (S); Wright, Harold (H)

**Status:** Second Reading - Referred to House Committee **Status Date:** 03/27/2017

**Committee(1): H Public Health (H)**

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**SB0774 Paraphrase:** SB0774, by Sen. Kimberly David, R-Porter and Rep. Chad Caldwell,

 R-Enid, modifies the fee for an application for a license, or renewal thereof, to establish or operate a residential care home, changing it from \$50 to an amount established by the State Board of Health by rule, provided such fee does not exceed \$10 per bed or \$500. It requires all residential care homes to have or employ a licensed administrator for the home, replacing the requirement for the homes to have or employ a certified administrator for the home. The bill also requires each home that proposes new construction or major alteration to submit construction plans to the Department for review prior to the start of construction. It permits the Department to assess a fee for the review in an amount not more than

0.15 percent of \$25,000, whichever is less, per project of the total construction cost of the facility or modification. It requires the State Board of Health to promulgate rules for submission and resubmission of construction plans to ensure the timely review. It reduces the number of times residential care homes must be inspected from three times annually to one time annually. It eliminates the requirement that the inspections be unannounced and permits the inspections to be unannounced. It also eliminates the requirement that one person be invited from a statewide organization of the elderly or disabled by the Department to act as a citizen observer in any inspection and changes it to permits one person be invited from a statewide organization of the elderly or disabled by the Department to act as a citizen observer in any inspection. (Amended by Senate, Stricken Title, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** David, Kimberly (S); Caldwell, Chad (H)

**Status:** Second Reading - Referred to House Committee **Status Date:** 03/27/2017

**Committee(1): H Appropriations & Budget, Health (H)**

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**SB0806 Paraphrase:** SB0806, by Sen. John Sparks, D-Norman and Rep. Carol Bush, R-

 Tulsa, provides nutrition standards for all licensed child care facilities and eliminates screen time for children less than two years of age with the exception of special occasions. (Amended by House, Amended by Senate, Stricken Title, Stricken enacting clause)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Sparks, John (S); Bush, Carol (H)

**Status:** S House Amendments - Read **Status Date:** 04/06/2017

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## Prevention and Preparedness Services



2 Bills On Report

**SB0246 Paraphrase:** SB0246, by Sen. Anastasia Pittman, D-Oklahoma City and Rep.



Cyndi Munson, D-Oklahoma City, modifies terms and definitions related to AIDS prevention education. The bill modifies the type of prevention education to be in schools by adding an emphasis on modes of transmission, prevention methods, virology and relevant statistics. It directs the State Department of Education to develop or provide medically accurate resources for HIV/AIDS prevention education in conjunction with the State Department of Health and requires approval of such materials by the State Department of Health at least every two years. The bill also states that HIV/AIDS prevention education should teach students that participating in high-risk sexual activity, injection drug use or contact with contaminated blood products is known to be the primary means for the transmission and contraction of HIV. It removes references to engaging in homosexual activity as a primary means of contraction. (Amended by Senate)

**Effective Date:** // **Emergency:** No

**Principal Authors:** Pittman, Anastasia (S); Munson, Cyndi (H)

**Status:** Second Reading - Referred to House Committee **Status Date:** 03/27/2017

**Committee(1): H Common Education (H)**

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**SB0725 Paraphrase:** SB0725, by Sen. A J Griffin, R-Guthrie and Rep. Chad Caldwell, R-



Enid, requires each school district to report the number and type of exemptions from vaccinations to the State Department of Health on or before July 1st of each year and to include information from the most recently completed school year. It requires the State Department of Education and the State Department of Health to promulgate necessary rules. (Amended by Senate, Stricken Title)

**Effective Date:** // **Emergency:** No

**Principal Authors:** Griffin, A J (S); Caldwell, Chad (H)

**Status:** Second Reading - Referred to House Committee **Status Date:** 03/28/2017

**Committee(1): H Common Education (H)**

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# Protective Health Services



14 Bills On Report

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**HB1607 Paraphrase:** HB1607, by Rep. John Enns, R-Enid and Sen. Roland Pederson, R-Burlington, exempts the rear-facing child passenger restraint system requirement

prescribed therein shall in instances of a child passenger being transported by a parent who has been rightfully issued a detachable placard indicating physical disability or a physically disabled license place.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Enns, John (H); Pederson, Roland (S)

**Status:** S General Order **Status Date:** 04/06/2017

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**HB1620 Paraphrase:** HB1620, by Rep. Cyndi Munson, D-Oklahoma City and Sen. Robert

Standridge, R-Norman, requires the State Board of Health to promulgate rules that require all medical and direct care staff of nursing and specialized facilities, adult day care centers, assisted living centers, home health agencies and hospice agencies licensed by the State Department of Health to complete, at a minimum, one hour of inservice training per year in Alzheimer's and dementia-related care. It provides the curriculum for the training. It requires the Board to promulgate rules establishing appropriate training requirements for support staff working in listed facilities.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Munson, Cyndi (H); Standridge, Robert (S)

**Status:** S Committee - Laid Over **Status Date:** 04/03/2017

**Committee(1): S Health & Human Services (S)**

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**HB1757 Paraphrase:** HB1757, by Rep. Katie Henke, R-Tulsa and Sen. Gary Stanislawski,

R-Tulsa, allows for mail and Internet sales of hearing aids. The bill requires the organization selling hearing aids to register with the State Department of Health and establishes registration requirements and fees. The bill establishes requirements for sales within the state. The bill establishes cancellation procedures. It defines unlawful practices.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Henke, Katie (H); Stanislawski, Gary (S)

**Status:** Second Reading - Referred to Senate Committee **Status Date:**

03/14/2017

**Committee(1): S Health & Human Services (S)**

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**HB1843 Paraphrase:** HB1843, by Rep. Leslie Osborn, R-Mustang and Sen. Stephanie

 Bice, R-Oklahoma City, modifies the definition to "stretcher van passenger" in relation to the Oklahoma Emergency Response Systems Development Act, adding an exemption. (Amended by House, Emergency Measure)

**Effective Date:** 07/01/2017 **Emergency:** Yes

**Principal Authors:** Osborn, Leslie (H); Bice, Stephanie (S)

**Status:** H Enrolled **Status Date:** 04/06/2017

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**HB2039 Paraphrase:** HB2039, by Rep. Kevin Wallace, R-Wellston and Sen. Robert

 Standridge, R-Norman, HB2039 allows a pharmacist or employee of a pharmacy to receive a prescription or deliver a legally filled prescription to a facility where medical care or pharmacy services are received by a patient. It requires the Board of Pharmacy to promulgate rules. It modifies definitions used therein. It allows naloxone to be prescribed and dispensed by a licensed pharmacist unless otherwise provided. It requires no dispensing protocol be required. (Amended by House, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Wallace, Kevin (H); Standridge, Robert (S)

**Status:** S Committee - Laid Over **Status Date:** 04/03/2017

**Committee(1): S Health & Human Services (S)**

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**SB0180 Paraphrase:** SB0180, by Sen. Greg McCortney, R-Ada and Rep. Chad Caldwell,

 R-Enid, provides existing statute should not be construed to require a hospice to employ a certified home health aide in the provision of hospice services so long as the hospice employs a certified nurse aide. It requires a person qualified by the Department of Health as a certified nurse aide to be deemed to have met the requirements to work as a home health aide under the provisions of the Home Care Act and to require no further licensure for performing services within the scope of practice of home health aides.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** McCortney, Greg (S); Caldwell, Chad (H)

**Status:** H General Order **Status Date:** 04/05/2017

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**SB0250 Paraphrase:** SB0250, by Sen. A J Griffin, R-Guthrie and Rep. Bobby Cleveland,

 R-Slaughterville, grants the Oklahoma State Bureau of Investigations original jurisdiction to investigate all deaths of incarcerated offenders when the death occurs in any jail in the state or in the Oklahoma prison system. (Amended by House, Amended by Senate, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Griffin, A J (S); Cleveland, Bobby (H)

**Status:** H General Order **Status Date:** 04/03/2017

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**SB0508 Paraphrase:** SB0508, by Sen. Nathan Dahm, R-Broken Arrow and Rep. Jeff

 Coody, R-Grandfield, modifies the definition to "home food establishment" in relation to the Home Bakery Act of 2013 to permit food prepared at a residence to be sold at farmers markets, on site, at cooperatives, through membership-based buying clubs or for delivery. It moves regulation under the act from the Oklahoma State Department of Health to the Department of Agriculture, Food and Forestry and authorizes the department to promulgate necessary rules. It permits the department to request written documentation to verify the gross annual sales of a home food establishment upon a consumer complaint. (Amended by Senate)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Dahm, Nathan (S); Coody, Jeff (H)

**Status:** H General Order **Status Date:** 03/28/2017

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**SB0594 Paraphrase:** SB0594, by Sen. Darcy Jech, R-Kingfisher and Rep. Rhonda Baker,

 R-Yukon, grants the State Board of Agriculture the authority to promulgate rules governing the approval of milk and milk product facilities within the Oklahoma Milk and Milk Products Act and removes the Department of Environmental Quality from the process. The bill also adds the words willfully, recklessly, or negligently to the definition of any person who violates the provisions of the Oklahoma Milk and Milk Products Act. (Amended by Senate, Stricken Title)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Jech, Darcy (S); Baker, Rhonda (H)

**Status:** H General Order **Status Date:** 04/05/2017

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**SB0595 Paraphrase:** SB0595, by Sen. Darcy Jech, R-Kingfisher and Rep. Kyle Hilbert, R-

 Depew, creates the Farmers Market Liability Limitation Act and defines related terms. The bill provides that any participant assumes the inherent risk of attending, buying or selling goods at a farmers market registered with the Oklahoma Department of Agriculture, Food, and Forestry. It allows the farmers market

operator to plead an affirmative defense of assumption of risk by the participant if a participant brings an action for damages arising from the operation of a registered farmers market. The bill requires any limitation on legal liability afforded to a registered farmers market operator be in addition to any other limitation of legal liability otherwise provided by law. It provides instances for limited liability.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Jech, Darcy (S); Hilbert, Kyle (H)

**Status:** H General Order **Status Date:** 04/04/2017

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**SB0765 Paraphrase:** SB0765, by Sen. Ervin Yen, R-Oklahoma City and Rep. Katie Henke,

 R-Tulsa, makes it unlawful for a person under 18 years of age to use any tanning device of any tanning facility. The bill defines applicable terms. It exempts any physician who is duly licensed to practice medicine and who uses or prescribes to be used a phototherapy device with respect to a patient of any age in the practice of medicine. It requires the owner, lessee or operator of a tanning facility to post in a conspicuous place in each tanning facility owned, leased or operated by that person a notice, available on the State Department of Health's website, that states all of the following: it is unlawful for a tanning facility or operator to allow a person under 18 years of age to use any tanning device; that a tanning facility or operator that violates one or more provisions of this section may be subject to a civil penalty; that an individual may report a violation of one or more provisions of this section to the local law enforcement agency; and that health risks associated with tanning include but are not limited to skin cancer, premature aging of skin, burns to the skin and adverse reactions to certain medications, foods and cosmetics.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Yen, Ervin (S); Henke, Katie (H)

**Status:** Second Reading - Referred to House Committee **Status Date:**

03/28/2017

**Committee(1): H Public Health (H)**

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**SB0774 Paraphrase:** SB0774, by Sen. Kimberly David, R-Porter and Rep. Chad Caldwell,

 R-Enid, modifies the fee for an application for a license, or renewal thereof, to establish or operate a residential care home, changing it from \$50 to an amount established by the State Board of Health by rule, provided such fee does not exceed \$10 per bed or \$500. It requires all residential care homes to have or employ a licensed administrator for the home, replacing the requirement for the homes to have or employ a certified administrator for the home. The bill also requires each home that proposes new construction or major alteration to submit

construction plans to the Department for review prior to the start of construction. It permits the Department to assess a fee for the review in an amount not more than 0.15 percent of \$25,000, whichever is less, per project of the total construction cost of the facility or modification. It requires the State Board of Health to promulgate rules for submission and resubmission of construction plans to ensure the timely review. It reduces the number of times residential care homes must be inspected from three times annually to one time annually. It eliminates the requirement that the inspections be unannounced and permits the inspections to be unannounced. It also eliminates the requirement that one person be invited from a statewide organization of the elderly or disabled by the Department to act as a citizen observer in any inspection and changes it to permits one person be invited from a statewide organization of the elderly or disabled by the Department to act as a citizen observer in any inspection. (Amended by Senate, Stricken Title, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** David, Kimberly (S); Caldwell, Chad (H)

**Status:** Second Reading - Referred to House Committee **Status Date:** 03/27/2017

**Committee(1): H Appropriations & Budget, Health (H)**

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**SB0811 Paraphrase:** SB0811, by Sen. Kimberly David, R-Porter and Rep. John Enns, R-

 Enid, removes restrictions related to residential substance abuse centers. (Amended by Senate)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** David, Kimberly (S); Enns, John (H)

**Status:** H General Order **Status Date:** 04/04/2017

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**SB0827 Paraphrase:** SB0827, by Sen. Jason Smalley, R-Stroud and Rep. Chad Caldwell,

 R-Enid, expands the definition of "owner" as it relates to the Nursing Home Care Act. (Amended by Senate, Stricken Title)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Smalley, Jason (S); Caldwell, Chad (H)

**Status:** Second Reading - Referred to House Committee **Status Date:** 03/28/2017

**Committee(1): H Public Health (H)**

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